

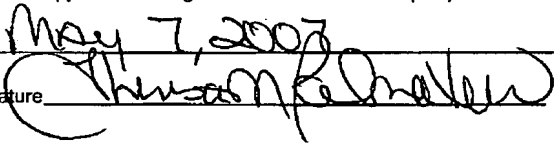

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		67,108-015; Bi 29-18-2-5	
CERTIFICATE OF FACSIMILE I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. on <u>May 7, 2007</u> Signature <u></u> Typed or printed name <u>Theresa M. Palmateer</u>		Application Number 10/616,553	Filed 07/10/2003
		First Named Inventor Bi, Qi	
		Art Unit 2683	Examiner Cumming, William D.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,139</u>		(248) 988-8360	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		May 7, 2007	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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67,108-015
Bi 29-18-2-5**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bi, et al.
Serial Number: 10/616,553
Filed: 07/10/2003
Group Art Unit: 2683
Examiner: Cumming, William D.
Title: METHOD OF SUPPORTING MULTIPLE SERVICE
LEVELS IN A WIRELESS DATA NETWORK

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully submits this Pre-Appeal Brief Request for Review because there is no *prima facie* case of obviousness. The Examiner's proposed modification of the *Amin* reference in view of the *Beeson, Jr., et al.* reference does not establish a *prima facie* case of obviousness. Where a proposed modification to a primary reference goes directly contrary to the teachings of that reference (see, e.g., MPEP 2143.01(V), (VI) and 2144.05(III)) or provides no benefit, the combination cannot be made and there is no *prima facie* case of obviousness. In this instance, the proposed combination of *Amin* and *Beeson, Jr., et al.* cannot be made.

As taught in column 2, line 30, the service control point in the *Amin* reference permanently stores the profile of wireless communication devices. Column 3 of the *Amin* reference teaches, "each of SCP 290, 490, 590, is adapted to permanently store profiles for respectively different types of wireless communication devices." (Lines 14-17)

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The Examiner proposes to add a temporary user identification from *Beeson, Jr., et al.* to the arrangement in the *Amin* reference. The proposed combination cannot be made because it goes directly contrary to the teachings of *Amin*. If the *Beeson, Jr., et al.* temporary user identification were substituted for *Amin*'s permanently stored profile, that would render the *Amin* reference incapable of performing its intended function and goes directly contrary to the teachings of the *Amin* reference. Substituting in a temporary user identification code would defeat the intended operation of the service control point (SCP) of the *Amin* reference.

Additionally, it is not possible to add a temporary user identification code to the *Amin* reference on top of or in addition to the permanently stored profile. There would not be any benefit to having a temporary user identification code because a permanent one has already been stored. In other words, adding the *Beeson, Jr., et al.* temporary identification code to the already permanent stored profiles of the *Amin* reference would be redundant, at best. Without any benefit to making the combination, the combination cannot be made.

Regardless of how the Examiner contends to combine the temporary user identification from the *Beeson, Jr., et al.* reference with the *Amin* reference, the combination cannot be made. There is no *prima facie* case of obviousness.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

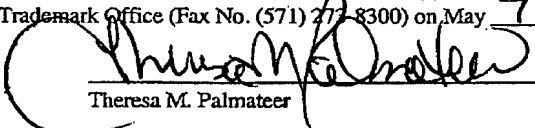
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Dated: May 7, 2007

67,108-015
Bi 29-18-2-5

CERTIFICATE OF FACSIMILE

I hereby certify that this Pre Appeal Brief Request for Review relative to Application Serial No. 10/616,553, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on May 7, 2007.


Theresa M. Palmateer

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